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7 *Las Vegas Metropolitan Police Department,*
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8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 MARY SMITH, individually, and as Special
Administrator of the Estate of JAMES PEREA,

12 Plaintiffs,

13 vs.

14 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; WELLPATH, LLC; RN
15 RACHEL CLARK; RN TANJA
WASIELEWSKI; RN GENEVA BESSIE;
16 LCSW SANDRA CELIS; MA/LNA MELEKA
ST. JOHN. RN STEPHANIE ESTALA; NP
17 HUGH ANDREW ROSSET; NP SHELLEY
AMEDURI; PA ANDREA BALOGH; RN
18 AYNUR KABOTA; CORRECTIONS
OFFICER VENESSA MITCHELL:
19 CORRECTIONS OFFICER DON'TE
MITCHELL; CORRECTIONS OFFICER
20 JOSHUA WALDMAN; DOES 1-30,

21 Defendants.

Case No.: 2:23-cv-00092-JAD-NJK

**STIPULATION TO EXTEND
DISPOSITIVE MOTION DEADLINE
(Fourth Request)**

22 Pursuant to LR 6-1 and LR 26-3, Mary Smith, individually and as Special Administrator
23 of the Estate of James Perea ("Plaintiffs"), Las Vegas Metropolitan Police Department, Vanessa
24 Mitchell and Don'te Mitchell ("LVMPD Defendants"), and Wellpath, LLC, Rachel Clark, Tanja

1 Wasielewski, Geneva Bessie, Sandra Celis, Meleka St. John, Stephanie Estala, Hugh Andrew
2 Rosset, Shelley Ameduri, and Andrea Balogh (“Wellpath Defendants”) through their respective
3 counsel, stipulate, agree, and request that this Court extend the dispositive motion deadline from
4 the current date of September 23, 2024, for an additional 14 days, to **Monday, October 7, 2024**.

5 The requested extension arises from pending motions in this case and preservation of the
6 Court and parties’ resources. The Court previously granted a third extension of the dispositive
7 motions deadline based on a pending motion in this case, Plaintiffs’ Objection, (ECF No. 101),
8 regarding the Report and Recommendation that denied Plaintiffs’ Third Motion to Amend the
9 Complaint, (ECF No. 80), seeking to name a new defendant. (Stip. Extend, ECF No. 104);
10 (Order, ECF No. 108). Afterward, Plaintiffs filed another Motion, a Motion for Spoliation
11 Sanctions, (ECF No. 105). Plaintiffs’ Reply is now due September 20, 2023, which is one
12 business day before the current dispositive motions deadline. Thus, the parties stipulate and
13 agree to a 14-day extension of the dispositive motions deadline to ensure that adequate briefing
14 on dispositive motions can occur and the Court has additional time to evaluate the pending
15 Motions. Defendants believe that filing Motions for Summary Judgment by the current deadline
16 could needlessly expend resources and cause prejudice to defenses if a later ruling from the
17 Court mooted arguments or altered the claims and parties in the case.

18 **A. Discovery to Date**

19 Discovery in this matter closed on April 26, 2024. (ECF No. 59). The limited extension
20 of discovery to address certain issues between Plaintiffs and Wellpath Defendants closed on June
21 26, 2024. (ECF No. 85 at 2-3). With the exception of the outstanding discovery issues raised in
22 Plaintiffs’ Motion to Compel at ECF No. 92, all discovery in this matter has been completed.

23 The parties provided initial Rule 26 Disclosures and produced numerous supplemental
24 disclosures; specifically, LVMPD Defendants provided twelve supplemental disclosures and

1 Wellpath Defendants provided seven supplemental disclosures. LVMPD Defendants responded
2 to three sets of Requests for Production of Documents (“RFPs”) from Plaintiffs and provided
3 supplemental responses. Wellpath Defendants responded to two sets of RFPs from Plaintiffs,
4 and Plaintiffs responded to two sets of RFPs from LVMPD Defendants. Plaintiffs also
5 responded to Interrogatories from LVMPD Defendants. LVMPD Defendants served twenty-nine
6 third-party subpoenas.

7 Counsel conducted twelve depositions, including the depositions of the individual
8 Defendants, Plaintiff Mary Smith, third-party witnesses and Rule 30(b)(6) witnesses for
9 LVMPD. The parties timely disclosed expert and rebuttal expert reports.

10 On May 29, 2024, the Court granted a limited extension of discovery until June 26, 2024,
11 for “the specifically identified deposition [of Wellpath] and written discovery responses in the
12 stipulation. See Docket No. 85 at 2-3.” On June 26, 2024, Plaintiffs conducted the deposition of
13 a Wellpath official under FRCP 30(b)(6). Wellpath Defendants’ counsel also provided
14 additional documents to the parties that same date and during the 30(b)(6) deposition.

15 **B. Reason for an Extension of the Dispositive Motions Deadline**

16 A party seeking to extend unexpired deadlines in the scheduling order must establish
17 good cause as required by FRCP 16(b)(4) and Local Rule 26-3. The good cause analysis turns
18 on whether the deadline cannot reasonably be met despite the exercise of diligence. *Johnson v.*
19 *Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992).

20 Here, the parties respectfully request an extension of the dispositive motions deadline of
21 September 23, 2024, by fourteen days to October 7, 2024. There are many claims still in this
22 case, thus requiring extensive briefing to address all issues. However, Plaintiffs’ recently filed
23 Objection and Motion for Spoliation Sanctions seeks relief that could alter the status of this case,
24 parties to the case, and defenses. To preserve judicial resources, conserve the parties’ resources,

and out of fairness to all involved, the parties submit that there is good cause to extend the current dispositive motion deadline by fourteen days to ensure adequate briefing for the upcoming deadlines and provide the Court with additional time to evaluate the pending filings.

C. Proposed Extended Deadline for Dispositive Motions

The parties respectfully request the current Dispositive Motions deadline be extended to **October 7, 2024**. This request is made in good faith and joined by all the parties in this case.

DATED this 18th day of September, 2024.

DATED this 19th day of September, 2024.

By: /s/ Lyssa S. Anderson

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By: /s/ Peter Goldstein

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DATED this 19th day of September, 2024.

/s/ Robert D. Rourke

S. Brent Vogel (SBN 6858)
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IT IS SO ORDERED.

DATED this 20th day of September, 2024.


UNITED STATES MAGISTRATE JUDGE